



TOWN OF ELSMERE
APPEAL TO THE BOARD OF ADJUSTMENT

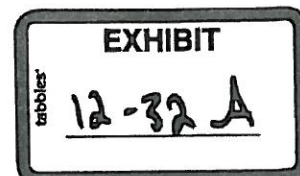
Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date this Appeal was filed: 9-19-12	Petition Number: 12-32
Date of the Original Action: 9-6-12	Tax Parcel Number: 19-00800-195
Subject property Address: 1201 MAPLE AVE, ELSMERE, DE 19805	
Property Owner's Name: RAIHANUL HAQUE	Phone Number:
Property Owners Address: 7728 251 STREET, BELLEROSE, NY 11426	
Applicant's Name: SUSAN M. BUZALEK	
Applicant's Address: PO BOX 9663, NEWARK, DE 19714 302-530-3540	
Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.) CITATION # V3-00142	
Reason for the Appeal: GRASS WAS CUT BUT MAN HIRED TO CUT GRASS DID NOT CUT FLOWER BED AREA. HE WAS LET GO AND NEW GUY HIRED TO CUT GRASS + GARDEN AREA. THIS NEW LAWN GUY WAS SCHEDULED TO COME OUT ON 9/11/12 + DID SO AT 6 PM. CITATION WAS ISSUED EARLIER THAT DAY, BEFORE NEW LAWN GUY HAD ARRIVED AT HOUSE. NO NOTICE WAS GIVEN PRIOR TO CITATION.	
Relief sought: DROP CITATION AND FINE.	
Applicant's Signature: Susan M. Buzalek Date: 9/19/12	



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****



11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY HAQUE RAIHANUL 7728 251 STREET BELLEROSSE, NY 11426	CITATION #	V3-00142
	OFFICER	DANIEL REED
	VIOLATION DATE	09/06/12
	PROPERTY ADDRESS	1201 MAPLE AV
	ABATEMENT DATE	09/11/12

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
HIGH GRASS/WEEDS AT FRONT OF PROPERTY ALONG BRICK WALL AND DOOR STEPS.	PM302-4 HIGH GRASS/WEEDS	10/6/12	\$ 50.00

*****CITATION INFORMATION*****

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.

You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.

ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the fine already assessed you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
10/6/12	19-00800-195	V3-00142	\$ 50.00

Mail Your Payment To:

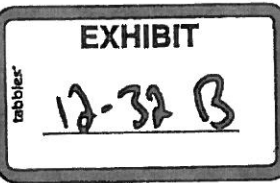
The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

TOWN OF ELSMER

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: CRAIG HANNA
TEL: (302)998-2215
FAX: (302)998-9920

EXT: 104



INVOICE NO.

I3-00339

INVOICE DATE: 09/06/12
DUE DATE: 10/06/12

CUSTOMER #: C-000109

HAQUE RAIHANUL
7728 251 STREET
BELLEROSE, NY 11426

VIOLATION INFORMATION
VIOLATION ID: V3-00142
LOCATION: 1201 MAPLE AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 1201 MAPLE AVE IPMC 2000 302.4 HIGH GRASS/WEEDS	50.0000	50.00
			TOTAL INVOICE	50.00

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

HAQUE RAIHANUL
7728 251 STREET
BELLEROSE, NY 11426

Invoice Id: I3-00339

Customer Id: C-000109

Due Date: 10/06/12

Total Due: 50.00





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EXHIBIT
12-32C



BOARD OF ADJUSTMENTS RULES OF PROCEDURES NUMBER 1

Rules Of Procedures For Appeal Hearings

Approved By: **The Board Of Adjustments**

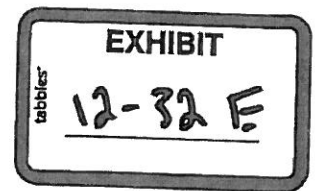
Approved Date: **The January 29, 2008 Board Meeting**

PURPOSE:

To establish a clearly defined set of Rules and Procedures that will be followed when an Appeal Hearing is to be heard before the Board of Adjustments.

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BOARD OF ADJUSTMENTS

RULES OF PROCEDURES

NUMBER 1

Rules Of Procedures For Appeal Hearings

I. Nature of Proceeding

Rule 1. Scope and purpose of Rules.

These Rules shall govern the procedure for Appeals Hearings before the Board of Adjustments of the Town of Elsmere.

Rule 2. Guidelines for Conduct During Hearing

The Board of Adjustments has the authority to establish any and all guidelines for conducting the hearing, including establishing time constraints, maintaining order during the hearing, and limiting the number of witnesses to testify.

II. Evidence and Witnesses

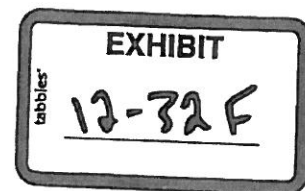
Rule 3. Presentation of Evidence at Hearing

Except as limited by Rules 4-7, any party to an appeal may present both testimonial and documentary evidence.

Rule 4. Exchange of Evidence Copies of all exhibits, except exhibits intended solely for impeachment, must be served on any other party or parties at least five days prior to the hearing. If a party fails to serve the exhibits within five days prior to the appeal, the Board of Adjustments may, at its discretion, refuse to accept that evidence unless good cause is shown as to why the exhibits were not served on the other parties.

Rule 5. Witness Lists

At least five days prior to the hearing, each party must identify in writing the witnesses it intends to call at the hearing. If a party fails to identify its witnesses within five days prior to the appeal, the Board of Adjustments may, at its discretion, refuse to hear testimony from those witnesses unless good cause is shown as to why the exhibits were not served on the other parties.



Rule 6. Oath or Affirmation

Unless waived by all parties, witnesses' testimony is to be under oath or affirmation.

Rule 7. Rules of Evidence

Generally, the Delaware Rules of Evidence shall be used as a guide to the admissibility of evidence at the hearing. However, the Board of Adjustments may accept any evidence it deems to be reliable.

III. Hearing

Rule 8. Transcript of Hearing

A party at its expense may, on ten days prior written notice to the Board of Adjustment and any other parties, have a transcript made of the hearing.

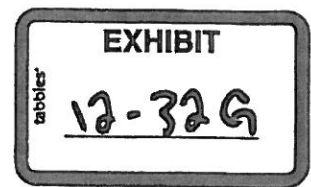
Rule 9. Opening Statements and Closing Arguments

The parties are permitted to make an opening statement and closing argument.

Rule 10. Format of Hearing

The hearing will proceed as follows:

- 1) Any preliminary matters that must be addressed prior to the Board of Adjustments hearing the evidence;
- 2) Opening Statements;
- 3) Witnesses for the Appellant;
- 4) Witnesses for the Appellee;
- 5) Rebuttal Evidence by the Appellant;
- 6) Closing Arguments;
- 7) Ruling by the Board.



IV. Ruling by the Board

Rule 11. Decision by Board

Following the hearing of evidence, the Board of Adjustments will vote and each member shall state the reasons for the member's vote. The Board of Adjustments shall affirm, modify, or reverse the decision of the code official only by a majority vote of the members of the Board present.

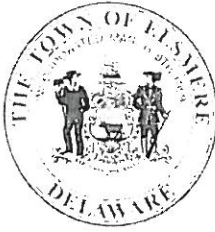
Rule 12. Adjournment of Hearing to Consider Evidence

The Board of Adjustment may adjourn the hearing for up to ten days to consider the evidence before making a decision.

Adopted by the Board of Adjustments at their January 29, 2008 public meeting.

James Personti, Secretary

Paul Chalfant, Chairman



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

12-32 H

Witness List

Mayor

Deborah A. Norkavage

1st District Councilman

John Juremchuk Jr.

2nd District Councilman

Steven Burg

3rd District Councilman

Robert Kaeperski

4th District Councilman

Charles McKewen

5th District Councilwoman
Secretary of Council

Joann I. Personti

6th District Councilman

Richard Moore

Town Treasurer

Paul Chalfant

City Solicitor

Edward McNally

The following is a potential list of witnesses that may be called to testify during your appeal hearing.

1. Code Officer Dan Reed

2. Code Officer Brian Swift

3. Town Manager John Giles

4. _____

5. _____

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A Council – Manager Municipality
Located on the Net at townofelsmere.com